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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/507,023	03/14/2005	Edgar Ivo Maria van der Heijden	903-117 PCT/US	7696
23869	7590	07/30/2008		
HOFFMANN & BARON, LLP 6900 JERICO TURNPIKE SYOSSET, NY 11791			EXAMINER	
			NGO, LIEN M	
			ART UNIT	PAPER NUMBER
			3754	
			MAIL DATE	DELIVERY MODE
			07/30/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/507,023	VAN DER HEIJDEN, EDGAR IVO MARIA	
	Examiner	Art Unit	
	LIEN TM NGO	3754	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 May 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 17-26,28-33,35-44 and 46-50 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 17-25,28-33,35-43 and 46-50 is/are rejected.
- 7) ☒ Claim(s) 26 and 44 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5/27/08 has been entered.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 32 and 49 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The phrase "for example" renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

Art Unit: 3754

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 17-23, 28-32, 35-41, and 46- 49 are rejected under 35 U.S.C. 102(b) as being anticipated by Farrey (4, 496,081). Farrey discloses, in figs. 1 and 2, a dispensing unit formed or to be formed from a combination of a first container 11 and a second container 11 to form a dispensing unit, which first and second containers each have a reservoir for a liquid substance and a pump, which is secured to the reservoir, can be actuated by hand and has a dispensing opening and a pump-actuating button 12, for dispensing substance from the reservoir, which combination also comprises coupling members 16T for coupling together the first and second containers in a position next to one another, the coupling members comprising one or more first coupling members 23, 17 which are each arranged on the first container, and one or more second coupling members 23, 19 means, which are each arranged on the second container and which can each be directly coupled to an associated first coupling member on the first container, whereby each reservoir has an opening at the top side, in which the pump is secured by means of a securing collar 18/T, and in that a first coupling member and associated second coupling member are arranged on the securing collar of the first container and the second container, respectively; the further first coupling member 23 and associated the further second coupling member 23 are each arranged fixedly on the pump-actuating button; a reservoir holder 16B, and a removable clocking element 30.

Art Unit: 3754

6. Claims 17-24, 28-30, 35-42, 47 are rejected under 35 U.S.C. 102(b) as being anticipated by Feldmann (EP 443519). Feldmann discloses, in figs 1 and 3, a dispensing unit formed or to be formed from a combination of a first container 24 and a second container 44 to form a dispensing unit, which first and second containers each have a reservoir for a liquid substance and a pump, which is secured to the reservoir, can be actuated by hand and has a dispensing opening and a pump-actuating button 10, 30, for dispensing substance from the reservoir, which combination also comprises coupling members for coupling together the first and second containers in a position next to one another, the coupling members comprising one or more first coupling members which are each arranged on the first container, and one or more second coupling members, which are each arranged on the second container and which can each be directly coupled to an associated first coupling member on the first container, whereby each reservoir has an opening at the top side, in which the pump is secured by means of a securing collar 22, 42, and in that a first coupling member 70 and associated second coupling member 80 are arranged on the securing collar of the first container and the second container, respectively; the further first coupling member 18, 20 and associated the further second coupling member 38, 40 are each arranged fixedly on the pump-actuating button; a bearing surface (surfaces at 70 and 80); and a reservoir holder 50-52 and 60-64.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 3754

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 25 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Farrey or Feldmann.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the first and second coupling members to form a permanently coupling (for example: adhesive, weld bonding) as and obvious matter of a design choice for a coupling which can no longer be released by a user.

9. Claims 33 and 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Feldmann in view of Palmisano et al. (4,384,660).

Palmisano et al. teach a generally U shaped clamp for blocking an actuating button in a dispensing unit.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a clamping element in the Feldmann invention to block the actuating button in a non-dispensing position.

Allowable Subject Matter

10. Claims 26 and 44 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

11. Applicant's arguments with respect to claims 17-25, 28-33, 35-43 and 46-50 have been considered but are moot in view of the new ground(s) of rejection.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to LIEN TM NGO whose telephone number is 571-272-4545. The examiner can normally be reached on Monday through Friday from 8:30 AM -6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, KEVIN SHAVER can be reached on 571-272-4720. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/LIEN TM NGO/
Primary Examiner, Art Unit 3754

July 28, 2008